

In the City Council  
City of Lodi  
Lodi, California

ORDINANCE NO. 367

AN ORDINANCE CREATING THE OFFICE OF CITY MANAGER OF THE CITY OF LODI DEFINING HIS POWERS, AND DUTIES, AND PROVIDING HIS COMPENSATION.

The City Council of the City of Lodi does ordain as follows:

Section 1.

(a) The office of City Manager for the City of Lodi is hereby established. The City Manager shall be appointed by the City Council solely on the basis of his executive and administrative qualifications. No person elected to membership on the City Council shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed after he has ceased to be a member of the Council.

(b) During the absence or disability of the Manager, the Council may designate some properly qualified person to perform the duties of the office of City Manager.

(c) The City Manager shall furnish a Surety Company Bond to be approved by the Council in such sum as may be determined by the City Council.

(d) Removal of City Manager. The Council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of its members. At least thirty days before such removal shall become effective, the Council shall by a majority vote of its members adopt a preliminary resolution stating the reason for his removal. The manager may reply in writing within ten (10) days after receipt of notice of such preliminary resolution, and may request a public hearing which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration,,

the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his monthly salary shall continue to be paid following adoption of the preliminary resolution until he is reinstated or removed. In event of removal, the City Council shall appoint a new City Manager within a reasonable time thereafter and must exercise due diligence in naming a successor.

**Section 2.**

The City Manager shall be the administrative head of the City Government under the direction and control of the Council, except as otherwise provided by ordinance. He shall be responsible to the City Council for the efficient administration of all the affairs of the City which are under his control. In addition, to the City Manager's general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have power:

1. To see that all laws and ordinances are duly enforced.
2. To employ, discipline or remove all heads of departments and all subordinate officers and employees of the City, to transfer employees from one department to another; and to consolidate or combine offices, positions, departments, or units under his jurisdiction. Nothing herein contained shall apply, however, to the City Attorney or City Judge or City Clerk or City Treasurer, each of whom shall be appointed and removed by the City Council. Any head of department removed by the City Manager shall be entitled to a hearing before the City Council in the same manner that the City Manager is entitled to a hearing upon his removal as provided in Section 1 (d).
3. To exercise control over all department and divisions of the City Government and over all appointive officers and employees thereof except as herein provided.

4. To attend all meetings of the Council and its committees unless excused therefrom by the Council or by the Committee and except when his removal is under consideration by the Council.

5. To recommend to the Council for adoption such measures and ordinances as he deems necessary or expedient.

6. To keep the City Council at all times advised as to the financial conditions and needs of the City, and at least quarterly shall submit a financial report.

7. Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption.

8. Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

9. To prepare and recommend to the City Council a salary plan.

10. To purchase all supplies for all of the departments or division thereof, and no expenditure shall be submitted or recommended to the City Council except upon report or approval of the City Manager.

11. To make investigations into the affairs of the City or any department or division thereof or any contract, or the proper performance of any obligation running to the City.

12. To investigate all complaints in relation to all matters concerning the administration of the government of the City and in regard to the service maintained by public utilities in the City, and to see that all franchises, permits, and privileges granted by the City are faithfully observed.

13. To exercise general supervision over all public buildings, public parks, streets, and other public property which are under the control and jurisdiction of the City Council.

14. To prepare and submit to the City Council an organization chart showing the organization plan for all departments of the City Government.

15. To issue on behalf of the Council all licenses and permits not otherwise provided for by ordinance.

16. To superintend the construction of all public work done by the City.

17. To devote his entire time to the duties and interest of the City.

18. To perform such other duties and exercise such other powers as may be delegated by ordinance or motion of the City Council.. The City Manager shall not participate in any city political activities or politics.

#### Section 3.

Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

#### Section 4.

The City Manager shall receive such salary as the City Council shall from time to time determine and fix by resolution or motion.

#### Section 5.

The City Manager shall be the purchasing agent of the City. It shall be his duty to make all purchases for and in behalf of the City upon requisitions presented and approved in accordance with the provisions of this ordinance, Provided, that in those cases where the laws of this State require that sealed proposals be called for by the Council, the City Manager shall lay before the Council such information as may assist the Council in accepting or rejecting such proposals.

#### Section 6.

No claim or demand shall be audited or allowed by the Council which is not approved by the City Manager.

#### Section 7.

Neither the Council nor any of its members shall demand the appointment of any person to, or exercise their influence in the

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appointment of, any person, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administration service of the City other than by suggestions to the City Manager. The Council nor any member thereof shall not give orders to any subordinates of the City Manager either publicly or privately.

Section 8.

There is hereby retained to the City Council the sole power of being the policy making and legislative body for the City, and the duties and powers of the City Manager are expressly confined to the administration service of the City.

The City Manager shall have no power to administer the affairs of the Municipal Library nor shall he have any control or direction over the Board of Trustees of said library.

Section 9.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Lodi hereby declares that they would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any portion thereof be declared invalid.

Section 10.

This ordinance shall be published once in the Lodi Times, a newspaper of general circulation, printed and published in said City of Lodi, and shall take effect thirty (30) days from and after its final adoption and publication.

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Approved this 24th day of March, 1948.

  
Mayor

Attest :

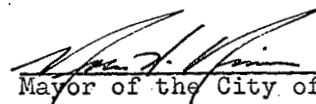
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City Clerk

The foregoing ordinance no. 367 was introduced and read before the City Council of the City of Lodi, County of San Joaquin, State of California, at an adjourned regular meeting of the City Council of said City held on the 16th day of March, 1948, and finally adopted and ordered published at an adjourned regular meeting of said Council held on the 24th day of March, 1948, by the following vote:

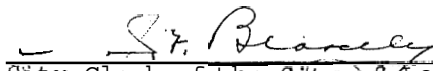
AYES: Councilmen, HASKELL, LYTTLE, TOLLIVER AND RINN (Mayor)

NOES: Councilmen, NONE

ABSENT: Councilman, RIGGS.

  
Mayor of the City of Lodi.

ATTEST:

  
City Clerk of the City of Lodi.

(SEAL)

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